

21 NOVEMBER 1946

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EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
93		1247	Answer handed to Mr. Grew in Tokyo and by him forwarded to the Department of State (From Report of the Joint Committee on the Investigation of the Pearl Harbor Attack - Congress of the United States) (pp.441-442)	10987	10987
94		1248	Mr. AMAU's Book	11060	

1 Thursday, 21 November, 1946

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with the
14 exception of the HONORABLE R. B. PAL, Member from
15 India, not sitting.

16 For the Prosecution Section, same as before.

17 For the Defense Section, same as before.

18 The Accused:

19 All present except OKAWA, Shumei, who is
20 represented by his counsel.

21 - - -

22 (English to Japanese and Japanese
23 to English interpretation was made by the
24 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Blakeney.

4 - - -

5 J O S E P H W. B A L L A N T I N E, called as a
6 witness on behalf of the prosecution, resumed
7 the stand and testified as follows:

8 CROSS-EXAMINATION

9 BY MR. BLAKENEY (Continued):

10 Q We were discussing at yesterday's adjourn-
11 ment the delivery of the final Japanese note on the
12 7th of December. I have just one more question on
13 that, and that is this: You remember that Ambassador
14 NOMURA originally made his appointment for one
15 o'clock specifically to call on Secretary Hull at
16 the Department of State.

17 A That's correct.

18 Q And, upon arriving at a later hour, made
19 explanation that he had been delayed for certain
20 reasons.

21 A That is correct.

22 Q Now, in regard to the message of President
23 Roosevelt to the Emperor, what answer was received
24 to that?

25 A I'm not very clear about that other than

BALLANTINE

CROSS

1 what Mr. Grew may have received in Tokyo.

2 Q I should like to hand you a document and
3 ask you whether you can identify it as the answer
4 handed to Mr. Grew in Tokyo and by him forwarded to
5 the Department of State (handing document to witness).
6 I should have said this was defense document No. 93.

7 A Yes, I have seen this document before. I
8 have seen this message before.

9 MR. BLAKENEY: I now offer for identification
10 defense document No. 93.

11 CLERK OF THE COURT: Defense document No.
12 93 will be given exhibit No. 1247 for identification
13 only.

14 (Whereupon, the document above re-
15 ferred to was marked defense's exhibit No.
16 1247 for identification.)

17 MR. BLAKENEY: Exhibit No. 1247, constituting
18 an excerpt from the report of the Joint Committee on
19 the investigation of the Pearl Harbor attack, is
20 offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 (Whereupon, defense's exhibit No.
23 1247 was received in evidence.)

24 MR. BLAKENEY: I do not propose to read it
25 into the record unless the Tribunal so desires.

BALLANTINE

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1 THE PRESIDENT: Read it, please.

2 MR. BLANKNEY: May I inquire whether the
3 Language Section is prepared to make a simultaneous
4 translation?

5 THE MONITOR: Yes, we are, sir.

6 MR. BLANKNEY: (Reading)

7 "At 7 a.m., December 8 (Japan time) Ambassador Crew
8 was awakened by a telephone call from an official of
9 the Japanese Foreign Office who requested him to call
10 on Foreign Minister TOGO as soon as possible (ex. 30
11 p. 493). When Ambassador Crew arrived, Foreign Minis-
12 ter TOGO, 'grim and formal,' handed him the Japanese
13 Government's memorandum breaking off the negotiations.
14 The Foreign Minister said that he had been in touch
15 with Emperor Hirohito, who desired that the memoran-
16 dum be regarded as his reply to President Roosevelt's
17 message. Ambassador Crew reported to the State De-
18 partment that the Foreign Minister thereupon made to
19 him the following oral statement:

20
21 "His Majesty has expressed his gratefulness and
22 appreciation for the cordial message of the
23 President. He has graciously let known his
24 wishes to the Foreign Minister to convey the
25 following to the President as a reply to the
President as a reply to the latter's message.

BALLANTINE

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1 "Some days ago, the President made inquiries re-
2 garding the circumstances of the augmentation
3 of Japanese forces in French Indo-China to which
4 His Majesty has directed the Government to re-
5 ply. Withdrawal of Japanese forces from French
6 Indo-China constitutes one of the subject mat-
7 ters of the Japanese-American negotiations.
8 His Majesty has commanded the Government to
9 state its views to the American Government
10 also on this question. It is, therefore, de-
11 sired that the President will kindly refer to
12 this reply.

13 "Establishment of peace in the Pacific, and con-
14 sequently of the world, has been the cherished
15 desire of His Majesty for the realization of
16 which he has hitherto made his Government to
17 continue its earnest endeavors. His Majesty
18 trusts that the President is fully aware of
19 this fact.' (ex. 178)"
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BY MR. BLAKENEY (Continued):

1 Q Now, lastly, Mr. Witness, I want to ask you
2 one or two questions about the modus vivendi proposal.
3 Is it correct that the United States draft modus
4 vivendi proposal prepared in the days prior to the
5 26th of November included provision for supply of
6 some petroleum to Japan?

7 A That is correct, a small quantity for
8 civilian uses.

9 Q That small quantity for civilian uses, was
10 it not a far more limited provision than the equiva-
11 lent provision contained in the Japanese modus
12 vivendi proposal of the 20th of November?

13 A It is very small, indeed, compared to what
14 the Japanese indicated in one of their intercepts
15 they were going to ask for.

16 Q Was this petroleum question one of the vital
17 differences between the two nations at that time?

18 A I don't know exactly what you mean.

19 Q I mean, was it one of the problems which
20 seemed most difficult of solution?

21 A Well, the Japanese Government had asked in
22 their proposal of November 20 for such petroleum as
23 Japan might require. That presented great difficult-
24 ies for us.
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BALLANTINE

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on this petroleum question at all likely.

1 A When Japan moved into southern Indo-China
2 in a position to attack us, we couldn't see our way
3 clear to give Japan petroleum for that purpose.

4 Q If the petroleum question was one on which
5 the parties were so far from agreement, did the
6 State Department believe that there was any real
7 prospect of an agreement on the modus vivendi at all?

8 A We thought there was very little prospect
9 of any acceptance by Japan of the modus vivendi that
10 had been drafted.

11 Q Do you remember Secretary Hull saying some-
12 thing about their being one chance in three that it
13 would be acceptable?

14 A He said, I believe, "not more than one chance
15 in three."

16 Q Yes, I believe that's correct. Nevertheless,
17 Secretary Hull did urge it upon the Chinese Ambassador
18 on the 25th of November, did he not, saying that "we
19 have been carrying on conversations and making some
20 progress so far"?

21 A Yes, he proposed it to the Chinese Ambassador.
22

23 Q So that the Department felt, did it not, that
24 there was some reasonable prospect that the presenta-
25 tion of the modus vivendi would result in the achieve-

BALLANTINE

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1 ment of further progress?

2 A He didn't think there was a reasonable
3 prospect. He thought there might be a very slight
4 prospect of the thing -- the proposal was a worth-
5 while proposal, but he didn't think there was very
6 much chance of the Japanese accepting it. The Japan-
7 ese had given a very clear indication in their inter-
8 cepts that that November 20 was their minimum pro-
9 posal, and what we were offering was chicken feed
10 compared with what they were asking.

11 Q You already said, I believe, that modus
12 vivendi was never presented.

13 A I don't remember whether I said it or not,
14 but that is a fact.

15 Q Would it be correct to say that it was not
16 presented finally because of the opposition of the
17 Chinese as expressed by the Chinese Ambassador?

18 A That was one important factor in the situa-
19 tion. There were other factors.

20 Q At this time, however, the position of the
21 Department of State was, was it not, that it was not
22 acting for the other interested nations?

23 A The proposed modus vivendi -- our proposed
24 modus vivendi called for certain steps in cooperation
25 by these other countries. It could not have been

BALLANTINE

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1 carried out by the United States alone.

2 Q The modus vivendi draft was thought of, was
3 it not, in the Department of State, as being merely
4 a continuation of the previous conversations?

5 A The modus vivendi was a part of the whole
6 proposal. The communication of November 26 -- the
7 whole communication was a part of that, too, of which
8 the modus vivendi was to be just one part. What we
9 envisaged was that during the life of the modus
10 vivendi we would carry on conversations toward the
11 objectives of a permanent peaceful agreement.

12 Q And those conversations would have been a
13 continuation of the conversations which had been in
14 progress, would they?

15 A That is correct.

16 MR. BLANKENY: That is all. Thank you.

17 - - -

18 THE PRESIDENT: Mr. Blawett.

19 MR. BLAWETT: If the Court please, I shall
20 restrict my inquiry to matters not heretofore covered
21 wherever possible.

22 THE PRESIDENT: We expected that.

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BALLANTINE

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CROSS-EXAMINATION (Continued)

BY MR. BLEWETT:

Q Mr. Ballantine, what do you mean by the phrase "Japan attacked against us" as far as the region of Indo-China is concerned?

A Could you tell me where that passage is, please?

Q Just a moment ago, sir, in answer to a question by the examiner with reference to petroleum you used those words.

A In southern Indo-China, Japan placed herself in a position where she stood over the Philippine Islands, was able to have threatened vital trade routes affecting our trade with the Far East, and she was also in a position to threaten the territories of our friends who were resisting aggression.

Q Then you had in mind, in part at least, our business interests.

A Our business interests were a very small part of the consideration. The main part was, the Far Eastern region is a region of great production of strategic commodities such as tin and rubber which we used in great quantities.

Q You referred to 1905 with regard to Japanese investment in Manchuria. Did not Japan invest in and

BALLANTINE

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CROSS-EXAMINATION (Continued)

BY MR. BLEWETT:

Q Mr. Ballantine, what do you mean by the phrase "Japan attacked against us" as far as the region of Indo-China is concerned?

A Could you tell me where that passage is, please?

Q Just a moment ago, sir, in answer to a question by the examiner with reference to petroleum you used those words.

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A Our business interests were a very small part of the consideration. The main part was, the Far Eastern region is a region of great production of strategic commodities such as tin and rubber which we used in great quantities.

Q You referred to 1905 with regard to Japanese investment in Manchuria. Did not Japan invest in and

BALLANTINE

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1 develop Manchuria at that time under a recognized
2 treaty agreement?

3 A Would you tell me where that passage is,
4 please?

5 Q There is just a reference to it on the first
6 page near the bottom.

7 A I fail to find that reference. I said, "In
8 1905 Japan established herself securely in Manchuria
9 by acquiring a lease to the Kwantung territory and
10 ownership of the South Manchuria Railway."

11 Q Well, doesn't that mean that they entered
12 into a treaty or agreement legally?

13 A Yes.

14 Q Now, is it not a fact that in the early stages
15 of the negotiations the attitude of the United States
16 with regard to the withdrawal of troops in China was
17 quite reasonable which later became limited?

18 THE PRESIDENT: Suggest to him, Mr. Blewett,
19 why it was reasonable in the first place and why it
20 became limited later, if you can. Maybe he has told
21 us all he knows about that, and we do not want those
22 things repeated.

23 MR. BLEWETT: I expect to follow that, if
24 your Honor please, with regard to developments along
25 about that time, in '41.

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1 BY MR. BLEWETT (Continued):

2 Q Did the United States continue to aid China
3 under lend-lease or other legislation during the
4 pendency of the negotiations?

5 A You mean during the period of the conversa-
6 tions?

7 Q Yes, sir.

8 A That is correct.

9 Q Now, prior to June 22, 1941, the United States
10 agreed with Japan as far as suggestions for the re-
11 tention of troops against communistic activity as is
12 evidenced by the draft.

13 A That is not correct.

14 Q Just a moment. Well, then, maybe I better
15 go back to that if you say it is incorrect. I was
16 under the impression that according to the drafts and
17 according to your testimony that prior to June 22 the
18 United States did have some understanding with regard
19 to the retention of troops so far as communistic
20 activities were concerned.

21 A You will note that in exhibit 3 of my
22 affidavit, page 4, Roman numeral III, Arabic numeral
23 2, we have in parenthesis "cooperative defense against
24 injurious communistic activities, including stationing
25 of Japanese troops in Chinese territory" close

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1 BY MR. BLIWETT (Continued):

2 Q Did the United States continue to aid China
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10 agreed with Japan as far as suggestions for the re-
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15 go back to that if you say it is incorrect. I was
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18 United States did have some understanding with regard
19 to the retention of troops so far as communistic
20 activities were concerned.

21 A You will note that in exhibit 3 of my
22 affidavit, page 4, Roman numeral III, Arabic numeral
23 2, we have in parenthesis "cooperative defense against
24 injurious communistic activities, including stationing
25 of Japanese troops in Chinese territory" close

BALLANTINE

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1 parenthesis, "Subject to further discussion."

2 Q Well, that implies, of course, that there was
3 some discussion regarding that proposition.

4 A We have been having discussions -- we had
5 been having discussions on that question from the very
6 beginning almost to the end.

7 Q Was there or not any change in the attitude
8 of the State Department subsequent to Germany's attack
9 on Russia?

10 A Our attitude on that question was the same from
11 the beginning to the end.

12 Q Did you or anyone in the State Department
13 have any notice of the imminence of Germany's attack
14 on Russia prior to June 21, 1941?

15 A Yes; certainly. That is a matter of public
16 record, that the Acting Secretary of State informed
17 the Russian Government that we had intimation that
18 Germany was going to attack Russia.

19 Q Did that fact have any bearing or influence
20 on the question of the removal of troops from China
21 so far as the draft of June 21 was concerned?

22 A That never entered our minds at all.

23 Q Was the draft of June 21 considered in any
24 way in line with the **supposition** that the attempted
25 German landing in England was not a near prospect?

BALLANTINE

CROSS

1 A I didn't quite clearly understand your ques-
2 tion.

3 Q Was the question of whether or not an attempted
4 landing of Germany on English soil considered in any
5 way in the negotiations or in the drawing up of the
6 draft of June 21?

7 A It certainly was not in my mind and I heard
8 no reference to it from anybody else.

9 Q Was there, at any time, any serious consider-
10 ation by the State Department relative to the recog-
11 nition of Manchukuo?

12 A Our position right along was that that was a
13 question between China and Japan. If China were
14 voluntarily, through amicable negotiations, willing to
15 agree to it we had nothing to say. Our position is
16 clearly stated in the June 21 draft: Amicable
17 negotiations in regard to Manchukuo.

18 Q Then your Department would not have objected
19 to it?

20 A As far as I know. If there had been peaceful
21 negotiations, without duress, and China had been will-
22 ing to agree to it, I don't think that anybody would
23 have had anything to say. That is just my personal
24 feeling. That is the clear implication of this draft.

25 Q Am I correct or not, then, in assuming that

BALLANTINE

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1 there was a change of attitude in so far as the November
2 26 draft was concerned, inasmuch as it insisted that
3 all negotiations must be made with Chungking?

4 A We consistently took the position that the
5 National Government of China, with temporary capital
6 at Chungking, was the government which we recognized
7 and that was the government of China. We never changed
8 in that position.

9 Q Did not the economic plan of Japan concerning
10 China, Japan and Manchukuo, conform to the tendency
11 among nations at that time?

12 A Conform to the tendency of the Axis Powers,
13 a tendency which we were doing our best to change.

14 Q Were there not other trade blocs, so-called
15 trade barriers, in existence among other nations out-
16 side the Axis?

17 A I believe there were. I am not an expert
18 on that subject.

19 Q Can you tell us whether or not, as an official
20 of the State Department, if the United States was unable
21 to break these trade barriers elsewhere, was it not
22 insisting upon a unilateral obligation for Japan by
23 insisting upon free trade between China and Japan?

24 A You used the word "insisting." I would like
25 to make a little explanation of that point.

BALLANTINE

CROSS

1 THE PRESIDENT: That is argumentative.

2 MR. BLEWETT: I think I asked the witness,
3 your Honor, if he could answer that as an official of
4 the State Department. He is attempting to, sir.

5 THE PRESIDENT: You are asking him can he
6 provide an argument as an official. We don't want
7 that. We want fact from him.

8 Q Do you have, Mr. Ballantine, from your long
9 stay in Japan and China, any particular prejudice
10 toward the Chinese as opposed to the Japanese?

11 A I hope I have no prejudice against any people.

12 Q Did you write any other books, pamphlets or
13 articles, other than your Japanese grammar?

14 A I don't recall any published articles or
15 pamphlets.

16 Q I think you stated that, in your cross-exam-
17 ination, with regard to the removal of troops, in one
18 instance the Department did not consider it seriously
19 because it would not be approved by Chiang Kai-shek.
20 Is that correct?

21 A I believe that what I said was that whatever
22 formulas we had received from the Japanese, there were
23 no formulas that we thought on that question that we
24 had received that Chiang Kai-shek would accept.

25 Q Was there not a very strong, influential

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1 business group in the United States that opposed any
2 agreement between Japan and the United States that did
3 not exclude all troops from China?

4 THE PRESIDENT: He can speak only for the State
5 Department. We don't want his opinion about what the
6 American people thought independently of that.

7 MR. BLFETT: I meant to specify that, your
8 Honor, but I overlooked it.

9 Q I meant, was there any pressure brought upon
10 your Department by any business group or individuals
11 with regard to an agreement between Japan and China
12 or the United States?

13 A There was not.

14 Q Were there not reports received by you, as
15 director of Far Eastern Affairs, indicating that Japan
16 was becoming largely a competitive nation?

17 A I wasn't director of Far Eastern Affairs at
18 that time.

19 Q Well, then, in your capacity in the State
20 Department as adviser.

21 A I suppose from time to time there were ques-
22 tions raised by trade groups in regard to Japanese
23 trade, but those -- if there were they went to our
24 economic people and I don't know much about that. In
25 any case, that had no bearing upon the conversations

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CROSS

1 or our attitude toward the thing which was governed by
2 the fixed principles of the United States which have
3 been traditional in our Far Eastern policy and the
4 most complete embodiment of which is found in the
5 Nine-Power Treaty of 1922. Those principles we wanted
6 to see carried out in any new agreement which the
7 Japanese Government asked us for. We weren't seeking
8 any new agreement. We were satisfied with the exist-
9 ing agreement. Thus, when the Japanese came to us
10 and asked us for a new agreement, we said that we would
11 be willing providing it conformed to our fixed principles.

12 Q Were there not references in the discussions
13 to the contemplated action of Congress as concerns
14 this treaty or agreement?

15 A Naturally we had to consider what kind of an
16 agreement we could carry Congress with.

17 Q Is it not a fact, Mr. Ballantine, that
18 Madame Chiang Kai-shek has many very influential
19 friends in Washington and in the United States?

20 THE PRESIDENT: That is beyond the scope of
21 the affidavit.

22 Q Regarding the freezing order of July, 1941,
23 what was the meaning of the State Department in term-
24 ing it a move for self-defense?

25 A Well, when a desperado gets in position to

BALLANTINE

CROSS

1 shoot you, you don't want to give him ammunition for
2 that purpose.

3 Q Was not that order considered by the State
4 Department as practically the waging of economic war-
5 fare?

6 A I think the State Department recognized that
7 economic measures of that character could only be taken
8 in a very serious situation, but then we were concerned
9 at that moment with a very imminent and overt act which
10 necessitated our taking steps of self-defense.

11 Q Do not the records of your department indicate
12 that most wars in history have been economic?

13 THE PRESIDENT: He need not answer that ques-
14 tion.

15 Q Can you tell us, Mr. Ballentine, from your
16 Department's knowledge of the psychology of the Japanese
17 generally, might not this action of freezing be con-
18 sidered by the Japanese as an act of hostility?

19 A We were concerned, as I said before, then
20 with this question of self-defense which, in view of
21 the imminence of the peril that was created by Japan's
22 move into southern Indo-China -- that consideration
23 over-rode any other consideration in the situation.
24 I think I explained that in my affidavit.

25 Q Well, what I wanted to know, if you can tell

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CROSS

1 me, is, from your knowledge of the Japanese people,
2 how that action was received out here, not what the
3 attitude of the United States was concerning it.

4 THE PRESIDENT: He isn't here as possessing
5 any expert knowledge of the Japanese. In any case, I
6 suppose the Tribunal can be trusted to form its own
7 conclusions as to the purpose and effect of freezing.

8 MR. PLEWITT: Yes, sir.

9 Q I assume, however, Mr. Ballantine, that it
10 must have had some deterrent as regards to the negoti-
11 ations, did it not?

12 A The Secretary of State had already suspended
13 the conversations before the freezing order, and after
14 the freezing order it was the Japanese who came back
15 to us and asked that the conversations be resumed.

16 Q Was the entry of Japanese troops into Indo-
17 China concluded under an agreement or not?

18 A We don't know the nature of all the factors
19 that went into that situation. That was between the
20 Japanese and Hitler and the Vichy Government.

21 Q Well, was there not a formal treaty drawn up
22 and signed by the parties involved?

23 A My understanding is that there was.

24 Q Was it not considered at the time of the nego-
25 tiations that an actual state of war existed between

BALLANTINE

CROSS

1 Japan and China, regardless of the terms?

2 A Obviously. Very large scale hostilities had
3 been going on for four years.

4 Q Could or could not Japan have been justified
5 in sending troops to Indo-China as a measure against
6 the Chinese?

7 THE PRESIDENT: That calls for an opinion
8 which we don't want from the witness.

9 Q Representations were made to the Department
10 of State by someone early in April, 1941, that Japan
11 was prepared to enter into an agreement nullifying the
12 Tripartite Pact. Do you recall who made those repre-
13 sentations, Mr. Ballantine, and whether or not they were
14 ever reduced to writing or any document?

15 A As I indicated -- or perhaps I didn't --
16 Father Drought told me orally that that was what his
17 Japanese contacts had said to him. We got nothing in
18 writing from any authoritative source on that.

19 Q There is no document or any record of that
20 conversation or that proposal anywhere in the Depart-
21 ment? Throughout the negotiations there seems to be
22 some indication with reference to President Roosevelt and
23 Secretary Hull that there was a variance between the
24 representations made by the accredited representatives
25 of Japan and the Japanese press. Did your Department

BALLANTINE

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1 feel that these ambassadors were authorized to execute
2 an agreement if a meeting of the minds had occurred?

3 A If a meeting of minds had occurred and we had
4 proceeded to negotiations, then there would have been
5 full powers communicated, exchanged between the two
6 governments as to whom the negotiators would be. That
7 question, therefore, never arose.

8 THE PRESIDENT: We will recess for fifteen
9 minutes.

10 (Thereupon, at 1045, a recess was taken
11 until 1100, after which the proceedings were resumed
12 as follows.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Blewett.

4 BY MR. BLEWETT (Continued):

5 Q Are you familiar, Mr. Ballantine, with Mr.
6 Hull's testimony before the Pearl Harbor Committee?

7 A I am.

8 Q Is it true that he stated that these negoti-
9 ations were taken up for the purpose of peace in the
10 Pacific and at the same time to get time for armament
11 of the U.S.A.?

12 A I'd like to refresh my memory on the exact
13 quotation of his statement.

14 Q He stated --

15 THE PRESIDENT: Mr. Blewett, be careful
16 when you purport to say what Mr. Hull said that you
17 quote his exact words. You may have done so.

18 MR. BLEWETT: I have a quotation, sir, that
19 I think is correct from that statement, but if the
20 witness does not recognize that, sir, I will not
21 pursue it.

22 THE PRESIDENT: He may if you put Mr. Hull's
23 exact words.

24 MR. HIGGINS: Mr. President.

25 THE PRESIDENT: Mr. Higgins.

BALLANTINE

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1 MR. HIGGINS: I object to this testimony. It
2 is not an act of Mr. Hull as Secretary of State, but
3 as a witness before some investigating committee and
4 the report of that would be the best evidence of what
5 Mr. Hull said, if he did make a statement.

6 THE PRESIDENT: Mr. Blewett is pursuing
7 the conventional course. We cannot very well stop him.
8 We do not want the whole of that inquiry in evidence.
9 The witness has said he is familiar with what Mr.
10 Hull said.

11 MR. HIGGINS: There is no evidence that Mr.
12 Ballantine was present.

13 THE PRESIDENT: Hearsay is admissible in this
14 Tribunal.

15 MR. BLEWETT: I read, sir, from page 554 of
16 Congressional Investigation of Pearl harbor Attack
17 of the 27th, just one paragraph, sir:

18 "But our policy was not to say 'no' to the
19 Japanese ultimatum of November 20. It was not to
20 remain silent even. It was to grab at every straw in
21 sight in an effort to keep up the conversations and
22 to give time to our armies and navies here and among
23 our future allies, to make further preparation and also
24 to show our continuing interests in peace."

25 Q Was that a concept of the State Department's

BALLANTINE

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1 policies at that time?

2 THE PRESIDENT: During the negotiations.

3 MR. BLEWETT: Yes.

4 A I think you will find a similar statement in
5 the summary of conversations in the record of "Foreign
6 Relations, United States-Japan, 1931 to 1941." It
7 was our desire and our hope to meet the expectations
8 of the American people who desired peace. We wanted
9 to keep alive the spark of peace to the last split
10 second. We wanted to clutch at every straw that might
11 make possible the continuance of peace. Surely there
12 was nothing inconsistent between that objective and
13 giving our armed forces and those of our friends
14 time to prepare adequately for self-defense.

15 Q Could you, therefore, confidently have any great
16 discernment or realization that an agreement could be
17 reached under such circumstances?

18 THE PRESIDENT: Did the Department think that
19 one could be reached under those circumstances?

20 THE WITNESS: Under those circumstances we
21 would be all the more anxious to take anything that
22 was possible, but surely we weren't going to sacrifice
23 our principles.

24 Q Did the President of the United States, in his
25 Navy Day speech on October 27, 1941, infer that the

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1 United States was ready to fight Japan?

2 THE PRESIDENT: Put it this way: "Did the
3 President make this observation on that date;" then
4 quote his exact words, if it is not already in evidence,
5 and I do not think it is.

6 MR. BLEWETT: We have sent to Washington for
7 a copy of the speech, sir -- for an excerpt -- but
8 it has not been received by us as yet. I do not know
9 whether the prosecution has it. I think the witness
10 is familiar with the speech however, your Honor. If
11 he says not, I shall not pursue the question.

12 THE WITNESS: I am not familiar with the
13 speech.

14 THE PRESIDENT: We want nothing but the exact
15 words used in these speeches.

16 MR. BLEWETT: I understand, sir.
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1 Q Are you familiar with the speech of
2 Mr. Churchill shortly thereafter at the Lord Mayor's
3 dinner, which excerpt has been admitted in evidence
4 here?

5 A I would have to have my memory refreshed on
6 that.

7 MR. BLEWETT: If your Honor insists, I do not
8 have the exhibit handy so I am unable to read it. May
9 I quote one portion of it to the witness and see if he
10 recalls that?

11 THE PRESIDENT: Are you going to ask him what
12 was the effect of Mr. Churchill's words on the American
13 State Department? I do not see why you should ask the
14 question because his speech is in evidence.

15 Q In view of these manifestations throughout
16 the attempted negotiations, including the freezing
17 order, embargoes, aid to China, was it inconceivable
18 to your Department that Japan might have had some doubts
19 as to the United States' sincerity?

20 THE PRESIDENT: Can he testify as to the
21 Japanese doubts without expressing an opinion unless
22 they told him that they had them and what they were?

23 MR. BLEWETT: I would assume, sir, that there
24 must have been some indication of their attitude
25 throughout these long discussions.

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1 THE PRESIDENT: He told us yesterday that he
2 wasn't affected by their demeanor. Apart from that,
3 we have only their words and their actions.

4 MR. BLEWETT: Well, if your Honor please, the
5 witness might possibly be an expert in so far as his
6 knowledge of the Japanese psychology may be concerned.

7 THE PRESIDENT: For the time being we recognize
8 no such expert.

9 Q Was it unreasonable, in the opinion of the
10 State Department, to feel -- cross out "feel" -- as
11 regards Japanese preparations for war, inasmuch as
12 the United States was undergoing the same process at
13 the time?

14 A United States was not out in force on a course
15 of widespread aggression. Our self-defense prepara-
16 tions began to take place a long time after the Japanese
17 forward movement began.

18 Q If the foreign policy of the State Department
19 was positive in May or June 1941, why was it not set
20 forth explicitly; and if not received or not accepted
21 by Japan, why were not these negotiations closed and
22 concluded?

23 A The American Government was sincerely and
24 earnestly desirous of working for peace to the last
25 possible moment at anything the Japanese came to us

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1 and said they wanted a peaceful settlement. We explored
2 patiently and up to the end the possibilities of peace.

3 Q May we assume from your affidavit, Mr. Ballan-
4 tire, that at no time during the course of these nego-
5 tiations were the Japanese representatives sincere?

6 THE PRESIDENT: Well, that again asks him to
7 express an opinion on the state of mind of the Japanese.
8 He has already dealt with that very fully.

9 MR. BLEWETT: I got that intimation from his
10 affidavit, your Honor, that that was his expression,
11 that that was his opinion, that they were not sincere,
12 at no time. Of course, he can answer that. If not,
13 why that is so. But that is the impression I received
14 from reading the affidavit.

15 THE PRESIDENT: Let him answer.

16 A It is difficult to elaborate on what I have
17 already said. We had to take into consideration, when
18 we entered into the conversations, Japan's past record.
19 At the outset of the conversations there was nothing
20 particularly that indicated insincerity. But as con-
21 versations progressed, it was difficult to reconcile
22 these assertions of their peaceful desires with the
23 specific formulas that they proposed for settlement.

24 Q Would or not, in your opinion -- if the
25 Japanese Government had accepted the terms of

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1 November 26, 1941, would that not have practically
2 made a subjugated state or nation of Japan?

3 THE PRESIDENT: That is a matter of opinion
4 for us, not of fact for him.
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1 Q Mr. Ballantine, did you write or dictate
2 this affidavit personally?

3 THE PRESIDENT: That was answered almost
4 at the beginning of the cross-examination.

5 MR. BLEWETT: It is my recollection, sir,
6 that it has, but I thought at that time he referred
7 to the preparation of it.

8 THE PRESIDENT: Well, it is a short answer.
9 Get it from him.

10 MR. BLEWETT: It is not important, sir.
11 I will waive it, if your Honor thinks that --

12 THE PRESIDENT: Let him answer.

13 A Yes, I dictated that affidavit.

14 Q Now could not your statement in great part
15 be based upon a reconstruction of happenings and
16 events in the light of Pearl Harbor; and could they
17 not have been formed on what appears to you to be
18 a deliberate prepared policy, but what actually
19 constituted a sincere effort to effect an agreement
20 by Japan for peace and economic security?

21 THE PRESIDENT: If we understand that
22 question rightly, you are still asking for his
23 opinion.

24 MR. BLEWETT: Well, your Honor, hindsight
25 sometimes creates -- may not create the proper viewpoint

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1 in a situation. The past events may be strongly
2 indicative of a course of action, but I am simply
3 asking the witness if this prepared statement might
4 not have been made on a reconstructive basis.

5 THE PRESIDENT: I suppose he acted on every
6 bit of knowledge he possessed including the war. You
7 are asking him, in effect, what sort of an affidavit
8 would he have drafted or have signed if Pearl Harbor
9 had never happened. That is purely hypothetical.

10 MR. BLEWETT: I am endeavoring, your Honor,
11 to point it more specifically to the attitude of
12 these representatives of Japan while these negotiations
13 were going on. Now, after all these years, and
14 after the developments, it may strongly indicate
15 that they were insincere.

16 THE PRESIDENT: Has not the Court to decide
17 that in the light of all of the evidence before it
18 without any assistance from Mr. Ballantine's opinion?

19 MR. BLEWETT: I believe your Honor is
20 correct in that, sir." That concludes my questioning.

21 THE PRESIDENT: Mr. Cunningham.

22 CROSS-EXAMINATION (Continued)

23 BY MR. CUNNINGHAM:

24 Q If the Tribunal please: Mr. Witness, were
25 you present, Mr. Ballantine, at all of the Hull-Stimson

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1 conferences concerning Japanese-American relations
2 while the negotiations were going on?

3 A I was not present at any of the conferences
4 between Mr. Hull and Mr. Stimson.

5 Q Then do you know from the records of the
6 State Department on what date -- exact date -- Mr.
7 Hull declared to Mr. Stimson that negotiations were
8 no longer useful?

9 A I do not recall the words which you quote
10 at all.

11 Q Yesterday, you testified that Mr. Hull had
12 told to Mr. Stimson in effect that the negotiations
13 were through. Can you tell us the exact date of
14 that conversation?

15 A I said yesterday that Mr. Hull had said:
16 "The matter is now in the hands of the Army and Navy."
17 If I recall correctly, he said that on November 27th.
18 In any case, the facts are set forth in the Pearl
19 Harbor Inquiry.

20 Q What I am getting to, Mr. Ballantine, is:
21 If Mr. Hull, according to the records of the State
22 Department, made any preparatory remarks at any other
23 time during the negotiations to Mr. Stimson before
24 this final conversation?
25

A As I said, I was not present at any of the

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1 conversations or conferences between Mr. Hull and
2 Mr. Stimson. My knowledge of what was said is
3 derived either from what Mr. Hull told me personally
4 afterwards, or from the records in connection with
5 the Pearl Harbor Inquiry; and I could not undertake
6 to give any clear sequence of those statements
7 without refreshing my mind from the Pearl Harbor
8 record.

9 Q Now let us go to the American State Depart-
10 ment's attitude toward the Tripartite Pact. Would
11 you say that it was definitely the foreign policy
12 of Mr. Hull and the State Department to totally
13 divorce Japan from Germany in the event of the
14 extension of the war in Europe to include the United
15 States' participation?

16 A Japan came to us and asked for an agreement
17 covering peace in the Pacific area. Naturally,
18 before concluding such an agreement, we wanted to
19 make sure that Japan would not attack us if we got
20 involved in Europe.

21 Q That does not answer my question, Mr.
22 Ballantine. Would you say that it was definitely the
23 foreign policy of Mr. Hull and the State Department
24 to totally divorce Japan from its responsibilities
25 under the Tripartite Pact to Germany in the event

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1 the United States became involved in the European
2 war?

3 THE PRESIDENT: That involves the determina-
4 tion by the witness of Japan's responsibilities to
5 Germany and Italy under the Tripartite Pact.

6 MR. CUNNINGHAM: May the witness answer?

7 THE PRESIDENT: No. He can say whether it
8 was the desire of America to keep Japan out of a
9 war should the United States become involved in one
10 in Europe -- the desire of the State Department --
11 and he gave his answer in the second part of the
12 last answer.

13 Q Well, Mr. Ballantine, was this policy that
14 was expressed to the Japanese Ambassadors all through
15 the negotiations?

16 A I don't know what you mean by "this policy".

17 Q The policy which you have expressed.

18 A We made our position clear to the Japanese
19 from the very outset of the conversations.

20 Q Was it the position of the State Department
21 that if Japan had made an agreement to annul the
22 responsibilities under the Tripartite Pact that that
23 would constitute a breach of that pact?

24 A Mr. Hull repeatedly told the Japanese that
25 he would leave it to the Japanese what they could do.

Q Was the failure of the parties to agree on
1 the interpretation of the responsibilities of Japan
2 under the Tripartite Pact one of the controlling
3 factors in the two parties' inability to complete
4 the negotiations?

A I would put it this way: The failure --
5 our failure to obtain clarification from the Japanese
6 as to what they would do in case we became involved
7 in the war in the Atlantic was one of the factors
8 which made it difficult for us to reach an agreement.
9

Q Did not -- was not the Pact in effect when
10 Germany and Russia went to war and Japan not joining
11 Germany, didn't that give the United States sufficient
12 basis for determining whether or not Japan would go
13 to war in the event of further extension of the
14 European war?
15

16 THE PRESIDENT: It is not for him to answer
17 that.

18 THE WITNESS: I did not understand you,
19 Mr. President.

20 THE PRESIDENT: It is not for you to answer
21 that. You are asked to weigh up considerations and
22 give your own opinion, do you realize it?
23

24 Q During these negotiations, had not the
25 State Department understood that Germany considered

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CROSS

1 a virtual state of war existed between the United
2 States and Germany from President Roosevelt's Navy
3 Day speech and other acts that were committed after
4 that and before that?

5 THE PRESIDENT: Read that question to me,
6 Mr. Reporter, please.

7 (Whereupon, the last question was
8 read by the official court reporter.)

9 THE PRESIDENT: He may answer if he can.

10 A I don't know what Germany considered.

11 Q The State Department was carrying on diplo-
12 matic relations with Germany at that time, were they
13 not?

14 A We had diplomatic relations.

15 Q Now, Mr. Ballantine, we will go to another
16 subject. What did the State Department have in mind,
17 or what was their plan or program in the event these
18 negotiations failed?

19 A I don't know that any conclusion had been
20 reached on that. The Japanese had said that in the
21 event of failure of the negotiations, that the conse-
22 quences would be most unfortunate. We felt that we
23 could go so far, and if we could not go any further,
24 we would just stand and take the consequences.

25 Q In your answer to Mr. Blewett you suggested

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1 that unless the arrangements or the fixed policy of
2 the United States as settled by the 1922 Conference
3 were carried out, that you could not make an agreement.
4 Now this fixed policy, as you have expressed it, it
5 was the opinion of the State Department that unless
6 this fixed policy was carried out, even if it meant
7 war, is that correct?

8 A It meant that we were unwilling to surrender
9 our principles no matter what the consequences.

10 Q Did it not also mean that even in the light
11 of the changed circumstances between the time of the
12 fixed policy was settled until the time the negotiations
13 were going on, you would not go beyond a certain
14 limit even if it meant war?

15 A The changed circumstances were Japan's
16 breaking away from the Nine-Power Treaty of which
17 she was a party. Our position on that is abundantly
18 set clear in a note which we addressed to the Japanese
19 Government on December 30, 1938, which I believe is
20 in evidence before this Tribunal.

21 THE PRESIDENT: We will adjourn until half-
22 past one.
23

24 (Whereupon, at 1200, a recess was taken.)
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Greenberg & Barton

AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Cunningham.

- - -

JOSEPH W. BALLANTINE, called as a witness on behalf of the prosecution, resumed the stand and testified as follows:

CROSS-EXAMINATION

BY MR. CUNNINGHAM (Continued):

Q Mr. Ballantine, we go now to the question of to what extent were the Japanese-American negotiations which were going on made public at the time?

A They were not made public.

Q Well, was Germany, with whom diplomatic relations continued until December 11, 1941, kept informed or were the negotiations purposely kept from them by both sides at the request of the USA?

A We were conducting informal, exploratory conversations to determine whether a basis for a negotiation existed. The stage of the negotiation was never reached.

BALLANTINE

CROSS

1 Q Did the Department of State feel that a
2 basis of negotiation had never been arrived at?

3 A That is correct.

4 Q Were the B,C,D Powers kept informed of all
5 the conversations and exploratory conferences?

6 A They were informed that we were having in-
7 formal, exploratory conversations. But, no -- they
8 were not given any information in regard to the con-
9 tents of those things except in connection with the
10 Japanese-proposed modus vivendi and our proposed
11 modus vivendi. I do not recall definitely whether
12 the exact Japanese proposal of November 20 -- whether
13 they were informed of the details of that. I am not
14 sure about that.

15 Q Did the State Department express its
16 official dissatisfaction at MATSUOKA's expression of
17 view concerning the negotiations which came to the
18 attention of the German officials?

19 A I am not clear to what you refer.

20 Q In a speech by MATSUOKA in which he discussed
21 the negotiations, was there not an official protest
22 or suggestion made by the United States that these
23 negotiations be kept secret?

24 A In so far as I recall, no representations
25 were made to the Japanese Government or to the

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CROSS

1 Japanese representatives requesting that the conver-
2 sations be kept secret. On the contrary, it was the
3 Japanese who asked us or who impressed upon us the
4 desirability that the conversations be kept secret.

5 Q Was this Foreign Minister TOYODA or Foreign
6 Minister MATSUOKA's policy?

7 A I don't know whose policy it was.

8 Q Did the State Department consider that
9 Germany was within her rights in asking Japan to
10 adhere to the responsibilities under the Tripartite
11 Pact in the event America entered the European
12 War?

13 A I don't know that the State Department gave
14 consideration to that.

15 Q Now we pass to another question, Mr. Ballan-
16 tine. During your course of negotiations as an
17 official of the State Department, did any other
18 nation offer its good offices in mediation of the
19 differences between the United States and Japan?

20 A The only thing I recall of that nature was
21 a conversation between the Australian representative
22 and the Secretary of State Hull towards the latter
23 part of November. He proposed to have a talk with
24 the Japanese representatives. Mr. Hull said he had
25 no objection but thought that nothing would come of it.

BALLANTINE

CROSS

1 Q Who was this gentleman or official?

2 A I believe that Mr. Richard Casey was the
3 Australian Minister at that time.

4 THE PRESIDENT: Did Mr. Casey claim that he
5 was acting at the instance of Japan?

6 THE WITNESS: He did not.

7 THE PRESIDENT: The only relevance of that
8 question put by Mr. Cunningham is its bearing on
9 the Hague Convention of 1907.

10 BY MR. CUNNINGHAM (Continued):

11 Q Can you name, Mr. Ballantine, any leader
12 or power suggested in any of the deliberations on
13 the United States or Japan's side, which had not taken
14 a stand on the war at the time, which could have
15 judged the matter and settled the differences
16 impartially? If so, who was that power, and what
17 was the influence?

18 A That question never arose at the time.

19 Q Was any attempt made by the State Department
20 or Japan at the beginning of the negotiations to
21 arbitrate or submit the differences to an impartial
22 body?

23 A I don't know what Japan did. The State
24 Department -- the Japanese came to us and asked for
25 an agreement, and we entered into conversations

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1 toward that agreement. The question didn't arise.

2 Q Then you considered the possibility of war
3 only on one side. That calls for your opinion, and
4 I will withdraw that.

5 Had not Great Britain and the Netherlands
6 and Canada and other countries shown their willing-
7 ness to stand by the decision of the United States
8 on these matters?

9 A I have no knowledge that those governments
10 gave the United States a blank check to settle
11 things for them in any way. What we had envisaged
12 was that, after reaching what we thought was a basis
13 of an agreement, that we would go to these other
14 powers and discuss the matter with them then.

15 Q Did you or Mr. Hull or any other official
16 in the State Department have any conferences with
17 the British and other Ambassadors and representatives,
18 keeping them informed of the developments?

19 A Mr. Hull had conferences with the diplomatic
20 representatives of the friendly powers from time to
21 time. I can't recall offhand the exact details of
22 what he said. But, so far as I know, there was no
23 discussion of the details of the progress of the
24 conversations in regard to the points involved
25 therein.

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CROSS

1 Q Were they not disposed to leave the details
2 of the negotiations in the hands of Mr. Roosevelt and
3 the Secretary of State, Mr. Hull?

4 A As I have said before, we hadn't got up to
5 any negotiations.

6 Q Let us revert to the Chinese-Japanese rela-
7 tions. Was the State Department in a position to
8 present a plan on August 10, 1937 that the Japanese-
9 United States relations concerning China were such
10 that America could act as mediator for China and
11 Japan settlement?

12 A My understanding is that we did not offer
13 mediation; we merely offered good offices.

14 Q Was this to promote the interests of the
15 United States or for some other purpose?

16 A It was for the purpose of restoring and main-
17 taining peace.

18 Q All of these transactions between the United
19 States and Japan were carried on uninterrupted regard-
20 less of who occupied the Cabinet or the main govern-
21 mental posts in the Japanese Government; is that
22 correct?
23

24 A Are you referring to conversations in 1941?

25 Q I am referring to the general course of
Japanese-American relations over the period of years

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CROSS

1 testified to by you in your affidavit.

2 A We pursued a consistent policy towards
3 Japan throughout our relations, irrespective of what
4 group or power -- party might be in power in Japan.

5 Q Were your negotiations solely with the
6 officials in power, or were there other negotiations
7 during that period with economic and industrial and
8 other interests?

9 A Negotiations of the State Department were
10 with the Japanese Government.

11 Q From your answer to Mr. Blewett, I believe
12 it was, or Mr. Blakeney, you suggested that Mr. Grew
13 was only giving the point of view of Tokyo, and I
14 wondered if it was official Tokyo which you were
15 expressing the view about.

16 A What I intended was, Mr. Grew was giving the
17 viewpoint as he saw it from where he was in Tokyo.

18 Q In response to a question by Mr. Blewett
19 you suggested that America began preparation for war
20 a long time after the Japanese forward movement began.
21 Can you give us the date at which the State Depart-
22 ment determined that "movement began"?

23 A I don't know if the State Department made
24 any official determination as to when that forward
25 movement began.

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CROSS

1 Q Then how can you set the time at which the
2 United States began preparation for war?

3 A In the autumn of 1940, Japan concluded an
4 alliance with Hitler's Germany and with Italy. If
5 you will read some of the speeches of some of the
6 Japanese leaders following that alliance and read
7 the speeches of the German representatives, you will
8 see many references to the creation of a New Order
9 throughout the world. It was a world movement of
10 conquest.

11 Q Then how can you set the time when the
12 United States began preparation for war? That's my
13 question.

14 A It is perfectly clear that the United
15 States was a peace loving nation, that the United
16 States was not coveting anybody else's territory or
17 was not out on a course of aggression. It is per-
18 fectly clear that our nation did not want war even
19 as late as the summer of 1941. The extension of
20 the Selective Service Act was passed by only one
21 vote in the House of Representatives.

22 Q When did the State Department notify the
23 War Department that they better get ready for war?

24 A The Secretary of State, the Secretary of War
25 and the Secretary of the Navy and the President were

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CROSS

1 in consultation throughout the administration. I
2 don't know when any particular statement was made in
3 regard to the matter.

4 Q I just want to know what you mean when you
5 say, "A long time after the Japanese forward movement
6 began, the United States began preparation for war."

7 A Japanese invasion of Manchuria in 1931 was
8 in clear violation of the Nine-Power Treaty. That
9 certainly was a forward movement.

10 Q That's what you said in your affidavit, Mr.
11 Ballantine. But, was that ever decided by a tribunal
12 or any body created for the purpose of determining a
13 legal liability under the Nine-Power Pact?

14 A I think the League of Nations had something
15 to say about that.

16 Q Well, it looks like we are stymied on that
17 question. Let's go to the next:

18 Did not the State Department consider that
19 wire tapping and interception of mail and messages
20 was an unfriendly act not countenanced between friend-
21 ly nations and contrary to international law?

22 THE PRESIDENT: If wire tapping was the
23 cause of the war and there could be a justification
24 for it, there might be something in that question.

25 MR. CUNNINGHAM: My only reason in asking

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CROSS

1 that was to show that there was bad faith in the
2 transaction. How could there be good faith --

3 THE PRESIDENT: I cannot argue with you at
4 this stage, Mr. Cunningham. But, it is not a prac-
5 tical viewpoint.
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BY MR. CUNNINGHAM: (Continued)

Q Now, about the intercepted messages. Were the intercepted messages transmitted immediately to the State and War Departments from the time the interception began?

A They were communicated to the State Department when they were translated.

Q And were they then transmitted to the War and Navy Departments immediately?

A The War and Navy Departments were on the receiving end -- were on the sending end. The State Department was on the receiving end.

Q That was my understanding, Mr. Ballantine, but I merely wanted to show that those departments had received the messages.

A Mr. Ballantine, when the exploration of a basis for negotiations began was it understood by the State Department officials that if an agreement were not reached that a state of war would ensue?

A No.

Q When did that conclusion -- when was that conclusion arrived at by the State Department?

THE PRESIDENT: They didn't arrive at any. He gave you a negative answer. You asked him whether war would be decided upon if the negotiations failed.

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CROSS

1 He said that there was no such decision. That is
2 the end of it.

3 MR. CUNNINGHAM: A few qualification ques-
4 tions, your honor, that were passed over in the be-
5 ginning.

6 Q Mr. Ballantine, is your appearance here
7 voluntary? Did you ask to be sent here as a witness?

8 A I did not.

9 MR. CUNNINGHAM: That is all.

10 THE PRESIDENT: Colonel Warren.

11 MR. WARREN: If the Tribunal please.

12 CROSS-EXAMINATION (Continued)

13 BY MR. WARREN:

14 Q Now, in answer to a question by Mr. Cun-
15 ningham you stated in substance that it was perfectly
16 clear that late in the year of 1941 that the United
17 States did not want war.

18 A That is a fact.

19 Q Were you speaking of the people of the
20 United States or the men in high stations, such as
21 Cordell Hull and President Roosevelt and his ad-
22 visers?

23 A I am speaking of both.

24 Q Now, I will ask you if you are familiar
25 with a statement by President Roosevelt as early as

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1 October 8, 1940, in which he stated, and I quote,
2 that if the Japanese attacked Thailand and the Kra
3 Peninsula or the Dutch East Indies we would not enter
4 the war; that if they even attacked the Philippines
5 he doubted whether we would enter the war, but that
6 they could not always avoid making mistakes and
7 that as the war continued and the area of operations
8 expanded, sooner or later they would make a mistake
9 and we would enter the war.

10 A I have no recollection of such a statement.

11 Q Do you recall a Cabinet meeting on November
12 25th, which was attended by Secretary Hull, Secretary
13 Knox, Secretary Stimson, General Marshall, Admiral
14 Stark -- rather, I said Cabinet meeting; I meant a
15 conference -- in which the situation was discussed
16 and at that time they started on the problem as, I
17 am quoting, how we should maneuver ~~them~~, the Japanese,
18 into the position of firing the first shot without
19 allowing too much danger to ourselves?

20 A Are you referring to Mr. Stimson's report
21 in 1945 of that conference?

22 Q I am referring to a meeting that took place
23 on November 25th, which is referred to in the in-
24 vestigations of that committee with reference to
25 Pearl Harbor.

BALLANTINE

CROSS

1 A I have read the record of that Pearl Harbor,
2 but in 1941 I had no knowledge whatsoever of any
3 content of such a meeting such as you read.

4 Q I am referring only to your statement that
5 nobody in high place in the United States as late as
6 1941 wanted war. Now, are you familiar with the
7 discussions that Cordell Hull, together with other
8 men, had with the President of the United States with
9 reference as to whether or not the people of the
10 United States would back them if they determined upon
11 a course of war against Japan?

12 A I am sure that neither Cordell Hull nor the
13 President ever had in mind an aggressive war against
14 Japan.

15 Q I am not asking for your opinion. I am
16 asking you if it isn't a fact that those discussions
17 took place.

18 A I have no knowledge of discussions of the
19 nature you have described other than what I read
20 in the Pearl Harbor report.

21 Q As one of a team of advisers to Secretary
22 Hull, were you not informed of the opinion and the
23 ultimate aim of these men in high stations?

24 A I was informed that it was the aim of these
25 men in high station that they should strive for peace

BALLANTINE

CROSS

1 to the very last.

2 Q With reference to that, are you acquainted
3 with a Stanley Hornbeck?

4 A I am.

5 Q What was his position at the time you were
6 on this advisory commission relative to Cordell Hull?

7 THE PRESIDENT: He has already told us. He
8 can say it again.

9 MR. WARREN: I didn't hear your Honor's re-
10 mark.

11 THE PRESIDENT: He already told us of his
12 position, but he can repeat it.

13 MR. WARREN: Your Honor, perhaps the question
14 is misunderstood. I mean what was his position re-
15 lative to Cordell Hull, not his official position -
16 as to friendship, and so forth.

17 THE PRESIDENT: Well, you didn't suggest
18 friendship.

19 A I am not in a position to testify as to any-
20 thing more than his position in the State Department.

21 Q Is it not true that Mr. Hornbeck was more
22 in the confidence of Cordell Hull than any other per-
23 son in the State Department, dealing with Far Eastern
24 questions?
25

A Mr. Hull made his own decisions. In

BALLANTINE

CROSS

1 conferences Mr. Hornbeck, Mr. Hamilton and myself,
2 were all treated as equals.

3 THE PRESIDENT: You told us before you were
4 the junior of the three, but you were still treated
5 as an equal.

6 THE WITNESS: That's right.

7 Q I take it you are perfectly familiar
8 with the numerous memoranda prepared by Mr. Hornbeck
9 and for Mr. Hull that got rather wide circulation
10 through the State Department, concerning Japan and
11 our relations with Japan, were you not?

12 A I was.

13 Q Those memoranda dealt with the economic
14 strangulation that was being placed on Japan by the
15 United States Government in connection with other
16 governments, did they not, for the most part?

17 A Mr. Hornbeck's memoranda dealt with a great
18 variety of subjects.

19 Q Quite right, but almost invariably is it
20 not true that they refused -- I mean rather, that
21 in his memoranda he refused to credit Ambassador
22 Grew and Mr. Dooman's advice on the situation in
23 Japan and the Far East?

24 A I wouldn't concur in any such generaliza-
25 tion.

BALLANTINE

CROSS

1 Q We will put it on the major issues to which
2 you have testified.

3 A I don't think that even on the major issues
4 that it would be fair, without a considerable amount
5 of thought and review of those memoranda, to make
6 such a statement.

7 Q Now, with reference -- I ask you if you were
8 familiar with the memoranda he wrote concerning the
9 strangulation by economic sanctions against them --
10 rather, not sanctions but economical strangulation of
11 Japan -- to force Japan to do what the United States
12 wanted Japan to do. Are you familiar with that?

13 A I don't recall such a memoranda.

14 Q Do you know what happened to his memoranda as
15 soon as war was declared?

16 A I do not.

17 Q Is it not a fact that it was common knowledge
18 in the State Department that a mad scramble was made
19 to recover all of those memoranda and keep them from
20 the knowledge of the American people?

21 A It certainly wasn't within my knowledge.

22 Q Do you know whether a single one of those
23 memoranda appear in any record in the State Department
24 at the present time?

25 A I think you have to make a distinction between

BALLANTINE

CROSS

1 two kinds of memoranda: memoranda which are in the
2 official records and a personal memoranda. So far as
3 I know, the memoranda in the official records is still
4 there. I do know that all the recorded memoranda in
5 which the Pearl Harbor Committee was interested were
6 made available to them.

7 Q Do you not also know that in all the mass
8 of material given to the Pearl Harbor Investigating
9 Committee that not a single one of Mr. Hornbeck's
10 memoranda was produced, his official memoranda relat-
11 ing to the subjects we have under discussion?

12 A I distinctly recall a number of his memoranda
13 on these subjects being mimeographed by the Pearl Harbor
14 Committee.

15 Q Were these the memoranda in which he spoke
16 very freely concerning his attitude toward Japan?

17 A I have no definite recollection of the con-
18 tents of those memoranda.

19 Q Precisely. Now I will ask you if Cordell
20 Hull and Mr. Hornbeck were not opposed from the very
21 outset to having President Roosevelt meet with Prince
22 KONOYE in an attempt to settle the differences between
23 the two nations?

24 A Mr. Hull was ninety-nine and nine-tenths
25 per cent of the State Department. Mr. Hull's attitude

BALLANTINE

CROSS

1 on that thing is made clear in the record. That is
2 to say that he felt, as we all felt, that some clear
3 commitments by Japan on general principles and their
4 application should be arrived at prior to a meeting.

5 Q As a result of his attitude he used his in-
6 fluence to dissuade President Roosevelt from having a
7 meeting, is that not true?

8 A As far as I know, the President and Mr. Hull
9 had exactly the same attitude on that proposed meeting.

10 Q Are you acquainted with the real off the record
11 proceedings and discussions with President Roosevelt
12 about that and his discussion with Admiral NOMURA?

13 A I was not present at any discussions which
14 the President had with the Japanese representatives,
15 therefore I only know what is on the record.

16 Q Now, what I am interested in, of course, is
17 your personal knowledge of these matters, because we
18 have the record. I will ask you this: if in that
19 instance his dissuasion, or his concurrence with the
20 President, whichever it may have been -- if he didn't
21 refuse to follow the advice of his Ambassador here in
22 Japan?

23 THE PRESIDENT: He covered this yesterday.
24 Can he say more?

25 MR. WARREN: Your Honor, I think so. Here is

BALLANTINE

CROSS

1 my reason for it.

2 THE PRESIDENT: Ask him.

3 MR. WARREN: What?

4 THE PRESIDENT: Ask him.

5 A All I can say is this, that Mr. Grew's
6 recommendations, what he stated, is in the record.
7 Mr. Hull's position from the beginning, and the
8 President's position are crystal clear. I don't know
9 what I can add to them.

10 Q You could add a great deal if you would con-
11 cerning your personal knowledge of the workings and
12 cross-workings of the State Department there and the
13 opinions of some and the opinions of others that you
14 must have come in contact with.

15 THE PRESIDENT: You must not suggest the
16 witness is suppressing anything.

17 MR. WARREN: Well, I don't mean that, your
18 Honor.

19 THE PRESIDENT: Unless you can put to him
20 something which you know he is suppressing, or believe
21 he is.

22 MR. WARREN: Your Honor, I am sorry. The
23 man asked me a question and I see that he didn't under-
24 stand what I was driving at and I merely told him. I
25 don't think he is suppressing anything because I don't

BALLANTINE

CROSS

1 think he is that type of man. I think he is very
2 truthful.

3 Q Why did Mr. Hull suddenly abandon the modus
4 vivendi?

5 A As Mr. Hull explained in his Pearl Harbor
6 testimony very clearly, the Chinese were very much
7 opposed to it. We felt, or Mr. Hull felt that it would
8 be a very discouraging factor on the Chinese, who were
9 being very hard pressed, might cause their resistance
10 to collapse. The other powers were lukewarm toward
11 it. There was a strong body of opinion in the United
12 States who we felt would be opposed to it.

13 THE PRESIDENT: We will recess for fifteen
14 minutes.

15 (Whereupon, at 1445, a recess was
16 taken until 1500, after which the proceedings
17 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Warren.

4 MR. WARREN: Thank you, sir.

5 BY MR. WARREN (Continuing):

6 Q I don't know whether you have been asked
7 this question or not: Is it not a fact that one of
8 the reasons advanced to President Roosevelt by the
9 State Department for not wanting to talk with Prince
10 KONOYE was the fact that the State Department did not
11 believe that the Army and Navy in Japan would back
12 Prince KONOYE?

13 A All I can say is that it was the belief of the
14 President -- as far as I know, because I didn't talk
15 to him -- and of the Secretary of State that the
16 Japanese Government, whoever happened to be the spokes-
17 man at that time, was not likely to yield on the courses
18 which it was pursuing.

19 Q May I take your answer to mean that that was
20 one of the reasons advanced for not wanting the meeting?

21 THE PRESIDENT: You are asked, what was
22 President Roosevelt's attitude?

23 MR. WARREN: No, your Honor, I am asking him
24 if that wasn't one of the reasons advanced by the
25 State Department to President Roosevelt to get him to

BALDWIN

CROSS

1 change his mind about the meeting.

2 A Well, all I know about the matter is what is
3 in the record. I don't know of any -- I don't know
4 the contents of any conversations which Mr. Hull may
5 have had with the President other than what is in the
6 record.

7 Q Well, is that in the record?

8 A In the record is what the President said in
9 his messages and his communications to the Japanese.

10 Q Is it not true that the State Department
11 informed Ambassador Grew that such was the case and
12 that they did not believe that any agreement made by
13 Prince KONOYE would be backed up by the Army and Navy?

14 A I do not know of any instructions sent by the
15 Department of State other than -- of that nature other
16 than those reporting or communicating the contents of
17 the statements that we had given to the Japanese. At
18 least, I cannot recall any at the present moment.

19 Q Now, I am referring specifically to things
20 that occurred outside the record in the informal talks
21 or informal telegrams that went back and forth.

22 A All our telegrams to Mr. Grew were official
23 telegrams and I think all of them -- I am sure all of
24 them were made available to the Pearl Harbor Committee;
25 and I do not recall any such message.

BALLANTINE

CROSS

1 Q Is it not true that the Japanese Government
2 had gone so far as to have a ship under steam in Tokyo
3 Bay with the highest Navy and Army officers obtainable
4 ready to accompany Prince KONOYE at any time that
5 Mr. Hull or the President would say the word?

6 A That is what they told us.

7 Q Is it not also true that Prince KONOYE
8 informed Ambassador Grew that a failure to bring about
9 the meeting would mean a fall of his Cabinet, and that
10 unquestionably he was the last person in Japan who
11 could possibly bring about a situation where peace
12 might be restored between the two nations?

13 A Well, I don't remember the exact words, but
14 generally something to that effect Mr. Grew reported
15 to us.

16 Q Yes. Mr. Grew also reported that he believed
17 Prince KONOYE was telling the truth, and that the
18 situation was extremely grave and action should be
19 taken on it, did he not?

20 A If I recall correctly, he reported to that
21 general effect.
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BALLANTINE

CROSS

1 Q It was common knowledge within the State
2 Department, was it not, that abandonment of the pro-
3 posed modus vivendi and the note which was substituted
4 by Mr. Hull for the modus vivendi would end negotiations
5 with Japan; wasn't that generally known?

6 A None of the matters relating to the con-
7 versations were matters of common knowledge in the
8 Department. It was -- the knowledge was confined to
9 a very few persons.

10 Q That is what I thought. But those persons
11 did not then nor of their own volition have they since
12 made a full disclosure to the American people of their
13 negotiations, have they?

14 A Would you mind repeating that question?

15 Q Will the reporter read the question.

16 (Whereupon, the last question was
17 read by the official court reporter.)

18 A There is only one person to make a statement
19 of action by the Department of State, that is the
20 Secretary of State. I consider that the Secretary of
21 State has made a very full statement -- complete
22 statement.

23 Q When, and where is it? When did he make it
24 and where is it?

25 A I would say Foreign Relations Japan, 1931 to

BALLANTINE

CROSS

1 1941, which was published as soon as we could get
2 the publication together afterwards, and also the
3 Pearl Harbor record. I think the President's report
4 on December 15 -- I think the Joint Committee
5 of Congress, December 15, 1941, was -- We got together
6 as much material as we could hurriedly to make that
7 public, also.

8 Q Do you know whether the publication that you
9 refer to has all of the official documents contained
10 in it?

11 A I believe that the publication on Foreign
12 Relations contains all the material matter affecting
13 Japan and the United States alone. The conversations
14 with third powers were not included at that time,
15 because of the war situation. In the Pearl Harbor
16 record all the material was made available to the
17 Committee, even that which had not been put in before.

18 Q Who edited the publication to which you refer
19 and determined the matters which were material?

20 A The Division of Publications in the Department
21 edited the material which they thought might be of
22 interest to historians, and in the Pearl Harbor record
23 the question of selection was left entirely to the
24 Joint Committee.

25 Q Isn't it true that in the Pearl Harbor

BALLANTINE

CROSS

1 investigation that after the testimony of Mr. Grew
2 and before Mr. Dooman was called to the stand that the
3 majority of the Committee decided that they would not
4 investigate anything further with reference to the
5 State Department other than what dealt directly with
6 matters immediately preceding and following Pearl
7 Harbor?

8 A To the best of my knowledge Mr. Dooman never
9 testified in the Pearl Harbor Committee and I know
10 nothing about the matter which you -- the rest of the
11 matter to which you refer.

12 Q You do know that Mr. Dooman was subpoenaed,
13 don't you?

14 A No.

15 Q Where is Mr. Dooman? What is Mr. Dooman's
16 official position at the present time, if any, if you
17 know?

18 A So far as I know, Mr. Dooman has retired from
19 the Foreign Service.

20 Q Did he ever tell you the reason why?

21 A If he did, I don't recall them.

22 Q Did Mr. Hull submit himself to cross-examination
23 on his negotiations prior to Pearl Harbor and in the
24 Pearl Harbor Committee?

25 A Mr. Hull was not cross-examined by the Committee.

BALLANTINE

CROSS

1 However, Mr. -- Senator Ferguson sent him a question-
2 naire of over a hundred questions to which he gave
3 written replies.

4 Q Is it true, if you know, that a report was
5 prepared by Ambassador Grew and his counselor, Mr.
6 Dooman, during their internment after the commencement
7 of hostilities, which was their last report to the
8 State Department that Mr. Hull refused to accept?

9 A I know nothing of a report of that description.
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1 Q Now, notwithstanding Mr. Grew's report to
2 the State Department with reference now to Prince
3 KONOYE's being ready to come over, what reason did
4 you members of the State Department have for dis-
5 regarding his recommendations?

6 THE PRESIDENT: He has already given that
7 answer more than once.

8 MR. WARREN: I am sorry. That question was
9 handed to me by another counsel. I did not think he
10 had answered it, your Honor.

11 MR. SMITH: If the Court please:

12 THE PRESIDENT: Mr. Smith.

13 CROSS-EXAMINATION (Continued)

14 BY MR. SMITH:

15 Q Mr. Ballantine, were you in Tokyo in April,
16 1934?

17 A I was not.

18 Q You have a paragraph in your affidavit on
19 page 2 which reads: "Nevertheless, on April 17, 1934,
20 the Japanese Foreign Office spokesman gave out a
21 truculent official statement known as the 'AI'AU'
22 statement. In that statement Japan made clear her
23 purpose to compel China to follow Japan's dictates
24 and to permit other countries to have relations with
25 China only as Japan allowed. A copy of that statement

BALLANTINE

CROSS

1 is annexed as exhibit A."

2 Isn't it an error to refer to the AMAU
3 statement of April 17, 1934 as an official statement
4 of the Japanese Foreign Office? If you will look at
5 your exhibit A, it is headed, "AMAU Statement --
6 Unofficial Statement by the Japanese Foreign Office."

7 A I would think that that unofficial statement--
8 my understanding of that is it was an unofficial state-
9 ment in English of a statement that had been made by
10 Mr. AMAU. I may be wrong about that.

11 Q Your affidavit appears to be based on
12 personal knowledge, and am I to understand that you
13 do not know anything about the subject of your own
14 personal knowledge?

15 A I said in paragraph 2 of my affidavit:
16 "The matters herein deposed to are mainly within my
17 personal knowledge, otherwise they are matters with
18 which I am familiar from records of the Department
19 of State."

20 Q The paragraph I have just read out of your
21 affidavit, was that written by you?

22 A I think, if I recall correctly, it was
23 suggested to cover all such possibilities of matters
24 that I should clarify in the situation, and I think
25 the wording -- the exact wording is my own wording.

BALLANTINE

CROSS

1 Q Well, the same wording appears in the
2 statement given in testimony of Mr. Hull before the
3 Pearl Harbor Investigating Committee. Can we assume
4 that you wrote that statement from Mr. Hull's testi-
5 mony?

6 A If I recall correctly, the idea was sug-
7 gested to me by counsel here, and I wrote my own word-
8 ing independently of having before me or having in
9 mind any similar statement by Mr. Hull. I don't even
10 recall now that he had a similar statement in his
11 testimony.

12 Q After 1934 you came to Tokyo as First
13 Secretary under Ambassador Grew; is that correct?

14 A Yes, in 1936 I was temporarily on duty
15 here for four months.

16 Q When you made the statement which I read out
17 of your affidavit, did you have in mind an official
18 communication from Ambassador Grew to the Secretary
19 of State, found in Foreign Relations Volume I, page 227,
20 and exhibit 936 in this case, which reads as follows:

21 "This morning I had an interview with the
22 Foreign Minister. Mr. HIROTA referred, on his own
23 initiative, to the subject of the AMAU statement --"

24 THE MONITOR: Mr. Smith, can you give us
25 the prosecution document on that?

BALLANTINE

CROSS

MR. SMITH: 936.

THE MONITOR: Is that the P. D. number?

MR. SMITH: No, that is the exhibit number. Prosecution Document No. 219P(23). It is not very long.

THE MONITOR: All right, sir.

Q (Continuing) "--regarding the attitude of Japan toward foreign assistance to China, and said that he wished to clarify that statement to me in confidence. He told me that under questioning by newspaper men, AMAU had given out the statement without his knowledge or approval, and that the world had received a wholly false impression of Japanese policy, that Japan had no intention whatever of seeking special privileges in China, of encroaching upon the territorial and administrative integrity of China, or of creating difficulties for the bona fide trade of other countries with China. Various foreign activities have tended to disturb peaceful conditions in China, and Japan is naturally very much interested in those peaceful conditions owing to her nearness to China. But that does not mean that there is any intention or desire on the part of Japan to claim a privileged position in derogation of the rights and responsibilities to which the signatories of the Nine-Power Treaty are entitled.

BALLANTINE

CROSS

1 The policy--"

2 THE PRESIDENT: Oh, you are reading too much.

3 MR. SMITH: I am down to the last sentence,
4 your Honor.

5 THE PRESIDENT: Well, you have read too
6 much already. You are not going to do that here.
7 If that document is too lengthy, you should deal
8 with it in another way. You should endeavor to
9 summarize it. This is not a case in which it is
10 necessary to use the exact words of the person
11 talking.

12 MR. SMITH: There is one more short sentence,
13 your Honor.

14 Q (Continuing) "The policy of Japan is
15 complete observance and support of the provisions of
16 the Nine-Power Treaty in every respect."

17 Now my question is whether you had that
18 document of Mr. Grew in mind when you made that
19 statement in your affidavit?

20 A I had it in mind, but I also had in mind
21 the subsequent manifestations of Japanese policies
22 and action in China.

23 Q Mr. AMAU as the so-called spokesman of the
24 Foreign Office occupied a position analagous to the
25 American State Department of a chief of the Press

BALLANTINE

CROSS

1 Section, is that not right?

2 A The Chief of the Press Section in the State
3 Department is never spoken of as the spokesman of the
4 State Department. The spokesman of the State Depart-
5 ment is the Secretary of State.

6 Q Well, will you agree that Mr. AMAU was not
7 the Foreign Minister of Japan when he made this
8 statement?

9 A Well, certainly I will agree.

10 Q Have you read Mr. Grew's book "Ten Years in
11 Japan", especially as it deals with this AMAU state-
12 ment?

13 A I read it when it first came out, but I
14 don't recall definitely.

15 Q I will read a short sentence to see if it
16 refreshes your recollection. Referring to the AMAU
17 statement, he says:

18 THE PRESIDENT: Page?

19 MR. SMITH: Page 128, your Honor.

20 Q (Continuing) "It is difficult these days to
21 judge whether AMAU is regarded in Japan as an enfant
22 terrible or a hero. It rather depends on whether
23 you seek opinions from the camp of the moderates or
24 that of the chauvinists." Does that refresh your
25 recollection about the matter?

BALLANTINE

CROSS

1 A I have no recollection of it.

2 Q Well, then, would you explain in detail why
3 you chose to accept an unofficial statement of a
4 Foreign Office spokesman in preference to what the
5 Prime Minister of Japan said on the subject to
6 Mr. Grew?

7 A In the first place, Mr. AMAU's statement
8 that he made was never repudiated publicly by the
9 Japanese Government so far as I recall. Mr. HIROTA's
10 statement was a private statement, not a public state-
11 ment. Finally, as I have already stated, subsequent
12 developments in Japanese policies in China bore out
13 that AMAU's statement seemed to represent more clearly
14 what was -- what conformed more closely to subsequent
15 developments in Japanese policy.

16 Q Are you aware that on April 21st, 1934,
17 Mr. AMAU made another unofficial statement to the
18 newspapermen in which he expressed desire -- I mean
19 surprise -- at the interpretation which the press had
20 placed upon his statement of April 17th. Are you
21 familiar with that statement?

22 A Nevertheless, subsequent developments and
23 manifestations of Japan's policy in China would bear
24 out the interpretation that was made, which would seem
25 to be the sound one.

BALLANTINE

CROSS

1 Q I have just ~~had~~ handed to you Mr. AMAU's
2 own notebook as to the statement he gave out on
3 April 21, 1934. I would like to have you read it
4 and see if you remember that statement?

5 A I do not recall having read this before,
6 but I do not think that this explanation helps very
7 much. There is, for example, a passage in here,
8 "We should not forget for a moment that Japan,
9 serving as the only cornerstone for the edifice of
10 the peace of East Asia, bears the entire burden of
11 responsibilities."

12 Q What else do you find in there that does not
13 help us any?

14 THE PRESIDENT: You need not answer.

15 MR. SMITH: Well, your Honor, the witness
16 has now read a part of a statement he has not identi-
17 fied. I would like to offer it for identification so
18 as to bring some order out of this situation.

19 THE PRESIDENT: Tender the book for identi-
20 fication. Is that the book?

21 MR. SMITH: That was obtained from Mr. AMAU,
22 who is now in Sugamo Prison. It is his own book,
23 and we will have to return it. It would be much
24 better to give it an identification number and allow
25 me to put an excerpt in for the benefit of the Clerk

BALLANTINE

CROSS

1 tomorrow morning.

2 THE PRESIDENT: Where you read from a
3 book or a document without tendering it, we expect
4 it to be marked for identification, and that means
5 custody by the Court.

6 MR. SMITH: Your Honor, could we have a
7 photostat substituted for the article in the book?
8 It does not make any difference to me how it is
9 handled, but I assume that Mr. AMAU wants his note-
10 book back.

11 THE PRESIDENT: You may make copies, not
12 necessarily a photostat.

13 CLERK OF THE COURT: Shall I mark it for
14 identification?

15 MR. SMITH: Will you, please?

16 THE PRESIDENT: It must be marked now.

17 CLERK OF THE COURT: Defense document No. 94,
18 identified as Mr. AMAU's book, will receive exhibit
19 No. 1248 for identification only.

20 (Whereupon, the document above
21 mentioned was marked prosecution's exhibit
22 No. 1248 for identification only.)

23 THE PRESIDENT: We will adjourn until half
24 past nine tomorrow morning.
25

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1 (Whereupon, at 1600, an adjournment
2 was taken until Friday, 22 November, 1946, at
3 0930.)

4 - - - -